

WITNESS NAME Steve Reardon				AFFIRMATIVE DEPOSITION DESIGNATIONS								COUNTER DESIGNATIONS								REPLY DESIGNATIONS * Pink Completeness					
Page/Line Begin		Page/Line End		Objection Notes		Plaintiffs' Responses to Objections				Page/Line Begin		Page/Line End		Objections		Objection Notes		Page/Line Begin		Page/Line End		Objections		Objection Notes	
410	4	410	22			n/a				421	18	422	16					465	3	466	7				
411	1	411	3			n/a				425	15	425	18					466	18	466	22				
412	14	412	15			n/a				464	21	465	2												
412	20	413	15	Hearsay; Argumentative		Hearsay as to quoting the letter, if any portion of the quote is being offered for the truth of the matter asserted (e.g., if trying to establish various regulatory duties or obligations). Nor can this letter cannot be construed as a hearsay exception as a business record under 803(6) - it is not a receipt or automated report, it is a letter that required contemplation and thought. Argumentative as to 413:14-15 when counsel said, "You agree that during 2007 we were facing an opioid epidemic, right?"		This is not hearsay as it does not satisfy FRE 801(c)(2). The information is not solely offered for the truth of the matter asserted, but rather is also offered to prove notice, knowledge and/or acceptance of applicable regulations, the enforcement of regulations, as well as the issues with controlled substance abuse. Moreover, even if considered hearsay, it would fall under one or more exceptions such as FRE 803(6). The question allowed the witness to properly and/or fully answer, which the witness did without difficulty, and any potential argumentative question can be ignored and/or minimized in this Bench trial.		466	8	466	11												
413	17	414	15	Argumentative		Argumentative as to 413:17-414:3.		This is a form objection which was not raised at the time for multiple questions in this designation, and is thus waived. Moreover, the questions allowed the witness to properly and fully answer, which the witness did without difficulty, and any potential argumentative question can be ignored and/or minimized and weighted accordingly in this Bench trial.		466	13	466	17												
415	9	415	19			n/a				497	10	497	13												
415	21	416	20	Calls for Legal Conclusion; Argumentative; Hearsay		Hearsay because counsel is reading statements in a letter and offering them for the truth of the matter asserted: "And you are aware that you are required to have a system that maintained effective controls . . ."; "this is where Rannazzisi sets out some of your obligations, right?" Improper Opinion as to 415:23-416:1 because counsel asserts that this letter includes a description of Distributors' legal "obligations, right?". Improper opinion as to 416:16-20 because counsel asserts that "you are required to have a system that maintained effective controls" . . . (etc.). Counsel's questions were also argumentative.		This is not improper opinion or a legal conclusion as the testimony involves factual information regarding notice, knowledge and/or acceptance (by the witness and/or Cardinal) of applicable regulations and/or the DEA's enforcement of same. Further, notice, knowledge and/or acceptance of regulatory responsibilities are not opinions or legal conclusions, and even if considered such, the testimony is admissible under FRE 704. With respect to the argumentative objection, this is a form objection which was not raised at the time for multiple questions in this designation, and is thus waived. Moreover, the questions allowed the witness to properly and/or fully answer, which the witness did without difficulty, and any potential argumentative question can be ignored and/or properly minimized and weighted accordingly in this Bench trial. As for the hearsay objection, it does not satisfy FRE 801(c)(2). The information is not solely offered for the truth of the matter asserted, but rather is also offered to prove notice, knowledge and/or acceptance of applicable regulations, the enforcement of regulations, as well as the issues with controlled substance abuse. Moreover, even if considered hearsay, it would fall under one or more exceptions such as FRE 803(6).		503	23	508	5												
416	22	417	22	Calls for Legal Conclusion; Argumentative		Improper Opinion as to 417:3-4 as counsel is asking the witness about "two separate" legal "requirements"; 417:9-12 - as counsel characterizes a particular federal regulation as "your suspicious orders requirement", and 417:21-22 as counsel posits, "So as a distributor, you take on a dual requirement; isn't that right?".		These are form objections which were not raised at the time for multiple questions in this designation, and are thus waived. Moreover, the questions allowed the witness to properly and fully answer, which the witness did without difficulty, and any potential argumentative question can be ignored and/or minimized and weighted accordingly in this Bench trial. Further, this is not a legal conclusion as the testimony involves factual information regarding notice, knowledge and/or acceptance (by the witness and/or Cardinal) of applicable regulations and the DEA's enforcement of same. Further, notice, knowledge and/or acceptance of regulatory responsibilities are not legal conclusions, and even if considered such, the testimony is admissible under FRE 704.		503	28	504	22												
417	24	418	8	Prejudicial; Calls for Legal Conclusion		Improper Opinion as to 417:24-418:1 as the witness responses to counsel's question that called for a legal conclusion ("So as a distributor, you take on a dual requirement; isn't that right?"); Argumentative as to 418:3-4 as counsel interjects, "And you didn't know that before today; is that right?." Counsel's remarks unfairly limited the witness's remarks and were prejudicial.		Argumentative and prejudicial are not supported. The questioning allowed the witness to properly and fully answer, which the witness did without difficulty, and any alleged argument or prejudice can be ignored and/or minimized and weighted accordingly in this Bench trial. This is not improper opinion or a legal conclusion as the testimony involves factual information regarding notice, knowledge and/or acceptance (by the witness and/or Cardinal) of applicable regulations and the DEA's enforcement of same. Further, notice, knowledge and/or acceptance of regulatory responsibilities are not opinions or legal conclusions, and even if considered such, the testimony is admissible under FRE 704.		508	7	508	12												

426	12	427	7	Calls for Legal Conclusion; Argumentative	Argumentative as to 427:5-7 when counsel posited that "Cardinal shipped all these orders out into our communities across the country, didn't they" (and the shipment of medications into non-C/H regions is not relevant to this litigation, in any event); Counsel also calls for an improper legal conclusion when he describes the document as including "all suspicious orders under your CFR reporting requirement, correct?"	This is not improper a legal conclusion as the testimony involves factual information regarding what the witness and/or Cardinal did with reports to the DEA. Moreover, the testimony addresses how the witness and/or Cardinal viewed the reports. With respect to the argumentative objection, The questioning allowed the witness to properly and fully answer, which the witness did without difficulty, and any alleged argument can be ignored and/or minimized and weighted accordingly in this Bench trial.	520	5	520	8	X; Hearsay	X - Improper Designation: 520:5-520:8 is not a counter designation to anything. This is Defendants' direct examination, and more appropriate to affirmative designation.					
427	9	429	20	Argumentative; Prejudicial	Counsel's argumentative question at 427:5-7 elicited the answer from the witness at 427:9-10; all should be stricken because of the argumentative question. Additionally, counsel's repeated references to these orders as being "gone," and "long gone" is unfairly prejudicial.	The questioning allowed the witness to properly and fully answer, which the witness did without difficulty, and any alleged argument or prejudice can be ignored and/or minimized and weighted accordingly in this Bench trial. In fact, the witness actually elaborated with his answer (at 427:9-10). Moreover, any alleged prejudice is outweighed by the facts established (which address central issues in the litigation), namely the witness's and/or Cardinal's notice, knowledge and/or acceptance of applicable regulations, as well as the fact that Cardinal shipped out orders it identified as suspicious prior to reporting them to the DEA.	524	16	525	14							
430	2	435	13	Calls for Legal Conclusion	Improper Opinion as to 430:14-17 as counsel asserted that "suspicious orders, this requirement is fulfilling our Code of Federal Regulations 1301.74(b) correct?"; 430:18-21 as counsel asserted that "We also have the obligation under the US Code to have an adequate system to prevent diversion as well, right?"	These are objections to form which were not raised during the deposition and are thus waived. Moreover, this is not improper opinion or a legal conclusion as the testimony involves factual information of Cardinal Health's policies and procedures for DEA compliance. See dep. ex. 32 (Cardinal Health DEA Compliance Manual); dep. at pp. 429-435. Further, these are facts regarding notice, knowledge and/or acceptance (by the witness and/or Cardinal) of applicable regulations and the DEA's enforcement of same, as well as how the witness and/or Cardinal viewed, understood, and/or implemented applicable regulations. Also, notice, knowledge and/or acceptance of regulatory responsibilities is not a legal conclusion, and even if considered such, the testimony is admissible under FRE 704.	525	24	528	3							
437	20	438	9	Prejudicial; Argumentative	Argumentative as counsel remarked, "Well, let's look at what's supposed to happen." Counsel also misconstrues the company policy and asserts, "or they just think it's excessive we have to notify the DEA ,according to our own policies and procedures, correct?"	The questioning allowed the witness to properly and fully answer, which the witness did without difficulty, and any alleged argument or prejudice can be ignored and/or minimized and weighted accordingly in this Bench trial. In fact, the witness actually elaborated with his answer (at 438:11-12). Moreover, any alleged prejudice is outweighed by the facts established (which address central issues in the litigation), namely the witness's and/or Cardinal's notice, knowledge and/or acceptance of applicable regulations, and Cardinal's policies and procedures regarding regulatory compliance for distribution of opioids, including but not limited to identifying suspicious orders, what is done with suspicious orders, and reporting suspicious orders to the DEA.	525	17	525	20							
438	11	438	24	Calls for Legal Conclusion	The previous question asked the witness to make an improper legal conclusion. As a result, neither the question nor the witness's answer should be admitted.	Legal conclusion is not applicable as the testimony involves factual information of Cardinal Health's policies and procedures for DEA compliance. See dep. ex. 32 (Cardinal Health DEA Compliance Manual); dep. at pp. 429-438. Further, these are facts regarding notice, knowledge and/or acceptance (by the witness and/or Cardinal) of applicable regulations and the DEA's enforcement of same, as well as how the witness and/or Cardinal viewed, understood, and/or implemented applicable regulations. Also, notice, knowledge and/or acceptance of regulatory responsibilities is not a legal conclusion, and even if considered such, the testimony is admissible under FRE 704.	528	4	530	6							
439	2	440	6	Calls for Legal Conclusion; Prejudicial; Argumentative	Improper Opinion as to 439:4-7 as counsel asserts that there is an "obligation in trying to comply with the regulations, right?". Argumentative and prejudicial as counsel remarks, "And they should be held to comply with their own policies and procedures, shouldn't they?"	Same as above. Also, these are objections to form which were not raised during the deposition for multiple questions within this designation, and are thus waived. Moreover, the questioning allowed the witness to properly and fully answer, which the witness did without difficulty, and any alleged argument or prejudice can be ignored and/or minimized and weighted accordingly in this Bench trial. Any alleged prejudice is outweighed by the facts established (which address central issues in the litigation), namely the witness's and/or Cardinal's notice, knowledge and/or acceptance of applicable regulations, and Cardinal's policies and procedures regarding regulatory compliance for distribution of opioids/controlled substances, including how Cardinal implemented and/or adhered to same.	528	4	530	6							
440	8	443	14	Prejudicial	Unfairly prejudicial as counsel cut off the witness when the witness started, "That doesn't sound --"; prejudicial as to "everything that is listed in this report exceeded that limit?."	While Plaintiffs do not believe this testimony is unfairly prejudicial, any alleged prejudice can be ignored and/or properly minimized and weighted accordingly in this Bench trial. Also, any alleged prejudice is outweighed by the facts established (which address central issues in the litigation), namely the witness's and/or Cardinal's notice, knowledge and/or acceptance of applicable regulations, Cardinal's policies and procedures regarding DEA compliance, and how Cardinal implemented and/or adhered to those procedures.	530	7	531	1							

